

**Senate Select Committee on School Safety Hearing on
“Sexual Orientation, Gender Identity Discrimination and School Safety”
Plummer Park- Fiesta Hall, West Hollywood
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To get at the root of discrimination against students who are, or who are perceived to be, lesbian, gay, bisexual or transgender, we must understand these issues in the larger context of sexism and gender stereotyping. Sexism and homophobia are so tightly interwoven and interlinked that it is often impossible to tell where one begins and the other ends. For example, if a young boy shows an interest in playing with dolls or in other stereotypically feminine activities, he is very likely to be called not only a sissy, but a “faggot” as well. Similarly, if a girl is very athletic, and especially if she shows no interest in make-up or clothes, she is very likely to be labeled not only a tomboy, but a “dyke.” Although we know these stereotypes are false, they hold enormous sway. Young people are terrified of straying too far from gender stereotypes for fear of being perceived as lesbian or gay and being subjected to discrimination and harassment on that basis. And for youth who are lesbian or gay, or who may be questioning their sexual orientation, the impact of these disparaging labels and assumptions is even more devastating and may increase a child’s isolation and self-loathing to the point that he or she drops out of school or engages in other dangerous or self-destructive behaviors.

Especially within the school context, homophobia – the spectre of being accused of being lesbian or gay -- is used to police, enforce, and reinforce the most stifling and destructive gender stereotypes – for example, the stereotype that a girl who is more interested in excelling at sports than in attracting boys must be a lesbian; or the stereotype that a boy who enjoys sewing or the ballet must be gay. These stereotypes limit opportunities and prevent young people from achieving their potential. In addition to creating external barriers, such as discouraging girls from playing contact sports or from excelling at science or math, these stereotypes also lead to self-imposed censorship. Many young people are so frightened – and often for good reason -- of being stigmatized for deviating from gender norms that they stifle any interests or ambitions that might be seen as “gender-inappropriate.” As a result, many fail to develop or in some cases even to discover their most promising talents and skills. This is a loss not only for those individual students, but for society as well. It is sobering to think of the contributions and creativity we have sacrificed as a society, by punishing individuals for gender non-conformity.

Transgender students are especially vulnerable to gender-based harassment and violence, as well as other forms of discrimination. Transgender students are those whose gender identity or gender expression differs from what society would expect based on their biological gender. Some transgender students are transsexual (i.e., they are born male, but identify as female; or born female, but identify as male). These students face enormous institutional obstacles to being able to attend school and participate equally in school activities; these problems are particularly acute with regard to bathrooms, locker rooms, and other gender-segregated programs and facilities. Other transgender students may simply have a gender expression, i.e., an outward appearance or demeanor, that differs from that traditionally associated with their biological

gender – for example, a student who is female, but who is very masculine in her appearance or demeanor; or a student who is male, but who is very feminine in his appearance or demeanor. Shockingly, according to the 2001 National School Climate Survey, 89.5% of transgender felt unsafe at school because of their gender expression, and more than a third, 35.1%, reported at least one occurrence of physical assault within the last year because of their gender expression.

Even today there are many well-intentioned people who either do not recognize this atmosphere of violence and intimidation as a problem or who see it as inevitable – who assume, for example, that “boys will be boys,” or that enduring gender-based harassment is just a normal part of growing up as a child. In truth, however, gender-based violence and harassment are no more a natural or inevitable part of human development than any other form of bigotry, and schools that have taken aggressive steps to prevent this type of discrimination have achieved remarkable results.

AB 537 was a tremendous step forward in acknowledging this serious problem and making it clear that schools cannot discriminate on the basis of sexual orientation or gender identity. This alone, however, is not enough. We must also ensure that schools are given the guidance and the tools they need to understand and implement the law. For example, at present, a handful of school districts and individual schools have adopted policies to ensure that transgender students are treated fairly and equally, but there is no statewide guidance on this issue. The same is true for a number of other issues as well, including how to implement effective anti-harassment policies. To ensure that students are able to benefit from the law and that schools are provided with the support they need to meet their legal obligations, there is a critical need for comprehensive guidelines that address the full range of issues covered by AB 537.